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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JUDGE DAVID A. KATZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS W. NOE,

Defendant.

3 : 05 CR 796

Cr. No.

18 U.S.C. § 371

2 U.S.C. § 437g

2 U.S.C. § 441f

18 U.S.C. § 2

18 U.S.C. § 1001

INDICTMENT

PRE-MUR # 437

The Grand Jury charges:

**COUNT ONE: Conspiracy
(18 U.S.C. § 371)**

At all times relevant to this indictment:

Background

1. President George W. Bush was a candidate in the 2004 federal election for the Presidency of the United States.
2. "Bush-Cheney '04, Inc." was the principal campaign committee of President Bush's re-election campaign, and it solicited and accepted contributions on his behalf.

3. On or about August 12, 2003, the defendant THOMAS W. NOE and his spouse each contributed \$2,000 to Bush-Cheney '04, Inc.

4. On or about October 30, 2003, Bush-Cheney '04, Inc. hosted a campaign fundraiser ("the fundraiser") at the Hyatt Regency hotel in Columbus, Ohio; the admission fee to the event was a \$2,000 contribution—the maximum individual amount—to Bush-Cheney '04, Inc.

The Federal Election Commission and Regulation of Federal Elections

5. The Federal Election Commission (FEC) was an agency of the executive branch of the government of the United States that administered and enforced the Federal Election Campaign Act (FECA).

6. Specific FECA provisions governed the making and reporting of campaign contributions, including:

- (a) The maximum individual contribution allowed by law to any federal candidate or his authorized political committees was \$2,000 per election;
- (b) It was unlawful to make contributions in the name of another person or knowingly permit one's name to be used to effect such contributions;
- (c) Bush-Cheney '04, Inc. was required to file quarterly reports with the FEC identifying each person who made a contribution during the reporting period whose contribution or contributions for that calendar year aggregated over \$200; and
- (d) The FEC was responsible for providing accurate information to the public about the amounts and sources of campaign contributions, and it used these quarterly reports to administer and enforce the FECA.

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The Conspiracy and Its Objects

7. From in or about October 2003 through in or about January 2004, in the Northern District of Ohio, Western Division, and elsewhere, the defendant, THOMAS W. NOE, and others knowingly combined, conspired, confederated, and agreed together and with each other:

- (a) to commit an offense against the United States: that is, to knowingly and willfully violate the FECA by making contributions aggregating \$25,000 or more during the 2003 calendar year to Bush-Cheney '04, Inc., an authorized campaign committee of President George W. Bush, a federal candidate, in the names of other persons, in violation of 2 U.S.C. § 441f and 2 U.S.C. § 437g(d)(1)(A)(i); and
- (b) to defraud the United States by impairing, impeding, obstructing, and defeating the lawful functions and duties of the Federal Election Commission.

The Purpose of the Conspiracy

8. The purpose of the conspiracy was for defendant THOMAS W. NOE to make prohibited campaign contributions totaling \$45,400 to Bush-Cheney '04, Inc. without being detected by the FEC or the public.

The Manner and Means of the Conspiracy

9. It was a part of the conspiracy that defendant THOMAS W. NOE, in order to fulfill a written pledge to raise \$50,000 for the campaign at the fundraiser, used \$45,400 of his funds to make campaign contributions over and above the legal limits and concealed the true source of the contributions by making the contributions in the names of other individuals, known as "conduits."

10. It was a part of the conspiracy that NOE requested that each conduit contribute money to Bush-Cheney '04, Inc. in his or her own name and attend the fundraiser.

11. It was a part of the conspiracy that NOE would recruit other individuals, referred to herein as "super-conduits," who would not only act as conduits but would also recruit additional conduits and pass funds from NOE to those additional conduits.

12. It was a part of the conspiracy that before and after the fundraising event, NOE provided funds from his National City Bank account for 24 conduits and super-conduits as an advance on or reimbursement for their contributions; all but one of the conduits and super-conduits contributed the maximum permissible amount, with some adding small amounts of their own money to NOE's.

13. It was a part of the conspiracy that NOE took steps to conceal the existence, purpose, and acts done in furtherance of the conspiracy by making payments to several conduits in amounts slightly below the amount of the conduits' contributions, and by instructing several conduits that, if asked in the future about the payments, they should lie and say the payments were a loan from NOE.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy, and to effectuate the objects thereof, defendant THOMAS W. NOE and his co-conspirators committed, among other acts, the following overt acts in the Northern District of Ohio, Western Division, and elsewhere:

14. Between on or about October 22, 2003, and on or about November 3, 2003, NOE provided nine checks from his National City Bank account to the conduits listed in Table A below as an advance on or reimbursement for their contributions to Bush-Cheney '04, Inc., and the conduits deposited these checks into bank accounts they owned or controlled.

TABLE A

CONDUIT	DATE OF CHECK FROM NOE	AMOUNT OF CHECK FROM NOE	DATE OF DONATION	AMOUNT OF DONATION
1	10/22/03	\$1,750	10/22/03	\$2,000
2	10/23/03	\$1,950	10/23/03	\$2,000
3,4	10/23/03	\$4,000	10/24/03	\$4,000
5	10/23/03	\$1,950	10/24/03	\$2,000
6, 7	10/23/03	\$3,900	10/24/03	\$4,000
8, 9	10/23/03	\$3,750	10/31/03	\$3,900
10	10/24/03	\$2,000	10/24/03	\$2,000
11, 12	10/27/03	\$3,900	10/26/03	\$4,000
13	10/30/03	\$1,900	11/3/03	\$2,000

15. On or about the dates listed in Table B below, NOE provided two checks to two super-conduits (#14 and #17) who accepted the money and contributed a portion of the funds to Bush-Cheney '04, Inc. in their own names, and also acted as super-conduits by writing checks themselves to five additional conduits listed in Table B as an advance on or reimbursement for contributions those conduits made to Bush-Cheney, '04, Inc., and the conduits and super-conduits deposited these checks into accounts they owned or controlled.

TABLE B

CONDUIT or SUPER- CONDUIT	DATE OF CHECK	AMOUNT OF CHECK	DATE OF DONATION	AMOUNT OF DONATION
14 (super-conduit)	10/23/03 (from NOE)	\$6,000	11/3/03	\$2,000
15	10/23/03 (from #14)	\$2,000	10/23/03	\$2,000
16	10/24/03 (from #14)	\$2,000	10/23/03	\$2,000
17 (super-conduit), 18	10/23/03 (from NOE)	\$14,300	10/24/03	\$4,000
19, 20	11/5/03 (from #17)	\$3,750	10/24/03	\$4,000
21, 22	10/27/03 (from #17)	\$3,500	10/14/03	\$4,000
23, 24	10/27/03 (from #17)	\$3,900	10/31/03	\$4,000

16. Between on or about October 22, 2003 and on or about November 3, 2003, NOE caused each of the conduits to contribute money in their own names to Bush-Cheney '04, Inc.; the contributions, with one exception, were made in increments of either \$2,000 (if attending alone) or \$4,000 (if attending with a spouse).

17. From on or about October 22, 2003 until on or about October 30, 2003, NOE caused conduits and super-conduits to fill out donor cards and other contributor forms for the fundraiser stating that they were making the contributions themselves with their personal funds when, in fact, they used NOE's funds to make contributions.

18. On or about January 29, 2004, NOE and the conspirators caused Bush-Cheney, '04, Inc. to file with the FEC a report for the fourth quarter of 2003 that, unknown to Bush-Cheney, '04, Inc., incorrectly identified the 24 conduits and super-conduits as the sources of the \$45,400 in contributions to Bush-Cheney, '04, Inc.

19. On or about October 30, 2003, NOE and all but one of the conduits and super-conduits attended the Bush-Cheney '04, Inc. fundraiser.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO: Conduit Contribution Violations
(2 U.S.C. § 441f, 2 U.S.C. § 437g(d)(1)(A)(i))

20. All allegations made in paragraphs one through six and nine through 19 are re-alleged and incorporated herein.

21. From in or about October 22, 2003 until in or about November 3, 2003, the defendant THOMAS W. NOE knowingly and willfully violated the FECA by making contributions in the names of others that aggregated \$25,000 or more during the 2003 calendar year, that is, NOE knowingly and willfully caused other persons to contribute to Bush-Cheney '04, Inc. and advanced to those persons or reimbursed those persons a total of \$45,400 for their contributions.

All in violation of Title 2, United States Code, Sections 441f and 437g(d)(1)(A)(i).

COUNT THREE: FALSE STATEMENT
(18 U.S.C. § 2(b), 18 U.S.C. § 1001)

22. All allegations made in paragraphs one through six and nine through 19 are re-alleged and incorporated herein.

23. From on or about October 23, 2003 until on or about January 29, 2004, defendant THOMAS W. NOE, in a matter within the jurisdiction of the executive branch of the government of the United

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States, knowingly and wilfully caused to be made a materially false, fictitious, and fraudulent statement and representation, in that he caused the responsible official of Bush-Cheney '04, Inc. to file with the FEC a quarterly report that falsely listed the conduits and super-conduits as contributors to the committee, when in fact, as NOE knew, he was the actual contributor of \$45,400 of those funds.

All in violation of Title 18, United States Code, Sections 2(b) and 1001.

A True Bill.

Foreperson

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MINUTES OF CRIMINAL PROCEEDINGS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

Date: May 31, 2006

vs.

Case No: 3:05cr796

Thomas W. Noe

Judge: David A. KatzCourt Reporter: Angela Eltzman

Date of Arrest: _____

U.S. Attorney Seth Uram and John Pearson

Attorney for Defendant(s):

Jon Richardson/ John R. Mitchell/Douglas Grover

CJA Apt ☐Fed. Defender: ☐Retained: ☒Defendant arraigned, plea of ☐ GUILTY ☐ NOT GUILTY ☐ NOLO CONTENDEREentered to count(s) _____ of the Indictment ☐ Information ☐

Plea of NOT GUILTY withdrawn, plea of:

☒ GUILTY ☐ NOLO CONTENDERE entered to count(s) 1,2 & 3 Indictment ☒ Information ☐☒ Referred for Presentence Investigation. Sentencing scheduled for: _____Bond \$ _____ set ☐ continued ☒ Pretrial Detention ☐☐ Motion of government for detention pending trial. Detention Hearing set for: _____☐ Term Referral to Magistrate Judge

SENTENCE:

Committed to the custody of the Bureau of Prisons for a period of _____ months on count(s) _____

☐ Indictment ☐ Information to run ☐ consecutively ☐ concurrently.Period of _____ years of supervised release with ☐ standard ☐ special conditions as ordered
(see reverse side of form).Fined the sum of \$ _____ Fine Waived ☐Restitution \$ _____ Not ordered ☐ Reason _____I.S.S., Probation ordered for a period of _____ months ☐ years ☐ on count(s) _____☐ Indictment ☐ Information with ☐ standard ☐ special conditions as ordered (see reverse side of form).

The defendant is to pay a special assessment of \$ _____ on counts _____. Total \$ _____

Upon motion of U.S. Attorney, counts(s) _____ of the ☐ Indictment ☐ Information are hereby dismissed.

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- ☐ The defendant shall provide the probation office access to any requested financial information.
- ☐ The defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer unless the defendant is in compliance with the payment schedule.
- ☐ The defendant shall reside in a community treatment center, halfway house, or similar facility of a period of _____ days ☐ months ☐ to begin not later than _____ (Work ☐ medical ☐ release privileges granted).
- ☐ The defendant shall participate in the Home Confinement Program (with ☐ without ☐) electronic monitoring for a period of _____ days ☐ months ☐ , beginning no later than _____ calendar days from release from custody. The defendant is required to remain at residence unless given written permission to be elsewhere. The defendant may leave residence to work, to receive medical treatment and to attend religious services. The defendant may participate in the Earned Leave Program. The defendant (is ☐ is not ☐) to pay the cost of the program.
- ☐ The defendant shall participate in an outpatient program approved by the U.S. Probation Office for the treatment of alcohol and/or drug dependency which will include testing to determine if the defendant has reverted to the use of alcohol and/or drugs.
- ☐ The defendant shall participate in an outpatient mental health program approved by the U.S. Probation Office.
- ☐ The defendant shall pay the imposed fine of \$ _____
- ☐ The defendant shall make restitution to _____ in the amount of \$ _____
- ☐ The execution of the sentence of imprisonment is deferred and the bond continued until _____, at which time the defendant shall surrender to the United States Marshal for this district, or the designated institution prior to 2:00 p.m.
- ☐ The defendant's bond is revoked and the defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall report in person to the U.S. Probation Office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- ☐ Pursuant to The Violent Crime and Law Enforcement Act of 1994, the defendant is subject to a mandatory drug test within 15 days following the commencement of supervision and at least two additional drug tests during the course of supervision.
- ☐ Recommendation to the Bureau of Prisons: _____
- ☐ The defendant shall not possess a firearm as defined in 18 U.S.C. Section 921, nor possess any dangerous weapon.
- ☐ The defendant shall participate in the Bureau of Prisons Drug Treatment Program while incarcerated.

- ☐ Plea agreement executed by parties.
- ☐ Pretrial Conference is scheduled and will take place on: _____
- ☐ Jury Trial is scheduled and will take place on: _____
- ☐ Sentencing scheduled for: _____
- ☐ The defendant advised of his appeal rights.
- ☐ The defendant is granted credit for time already served in relation to this matter.

COMMENTS:

Matter before the Court for change of plea; Defendant withdrew his former plea of not guilty and entered a plea of guilty to Counts 1,2 & 3 of the indictment. Plea accepted. Defendant referred to USPO for presentence report. Bond continued.

Total Time: 1 hour

Copy issued to Probation, Pretrial Services, U.S. Attorney, and USM

/s/ Cindy Reynolds

Courtroom Deputy Clerk

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